

SECTION L – INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

The following information is specific to this solicitation and is provided to supplement and/or complete the associated ITEMS presented at the SECTION L website at <http://rcb.cancer.gov/rcb-internet/wkf/sectionl.pdf>.

I. General Information

INSTRUCTIONS TO OFFERORS–COMPETITIVE ACQUISITION [FAR Clause 52.215-1 (May 2001)] is applicable to this solicitation.

Alternate I, of FAR Clause 52.215-1, INSTRUCTIONS TO OFFERORS–COMPETITIVE ACQUISITION, is applicable to this solicitation.

JUST IN TIME PROCEDURES are applicable to this solicitation.

The submission of an acceptable subcontracting plan [] is, [X] is not required.

NOTICE OF SMALL BUSINESS SET-ASIDE

(1) **General.** Bids or proposals under this procurement are solicited only from small business concerns. The procurement is to be awarded only to one or more such concerns, organizations, or individuals. This action is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from others will be considered nonresponsive.

(2) **Definitions.** The term "small business concern" means a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in the regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its territories and possessions, Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia, by small business concerns. Provided, that this additional requirement does not apply in connection with construction or service contracts.

NAICS CODE AND SIZE STANDARD:

Note: The following information is to be used by the offeror in preparing its Representations and Certifications (See Section K of this RFP), specifically in completing the provision entitled, SMALL BUSINESS PROGRAM REPRESENTATION, FAR Clause 52.219-1.

- (1) The NAICS Code is 541710.
- (2) The small business size standard is 500 employees.

TYPE OF CONTRACT AND NUMBER OF AWARD(S)

It is anticipated that one award will be made for this solicitation and that the award will be made on or about August 31, 2004.

It is anticipated that the award from this solicitation will be a multiple-year Cost-Reimbursement type Completion contract with a Period of Performance of four (4) years and that incremental funding will be used. [See Section L, PART IV-Business Proposal Instructions.]

COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed procurement. Any other commitment, either explicit or implied, is invalid.

COMMUNICATIONS PRIOR TO CONTRACT AWARD

Offerors shall direct all communications to the attention of the Contract Specialist or Contracting Officer cited on the face page of this RFP. Communications with other officials may compromise the competitiveness of this acquisition and result in cancellation of the requirement.

RELEASE OF INFORMATION

Contract selection and award information will be disclosed to offerors in accordance with regulations applicable to negotiated acquisition. Prompt written notice will be given to unsuccessful offerors as they are eliminated from the competition, and to all offerors following award.

COMPARATIVE IMPORTANCE OF PROPOSALS

You are advised that paramount consideration shall be given to the evaluation of technical proposals. All evaluation factors other than cost or price, when combined, are [significantly more important than cost or price/approximately equal to cost or price/significantly less important than cost or price]. The relative importance of the evaluation factors is specified in SECTION M of this solicitation. However, the Government reserves the right to make an award to the best advantage of the Government, cost and other factors considered.

PREPARATION COSTS

This RFP does not commit the Government to pay for the preparation and submission of a proposal.

SERVICE OF PROTEST (AUGUST 1996) - FAR 52.233-2 NOTE: The Contract Specialist's address is hereby modified to read:

Contract Specialist
Contracts Operations Branch
National Heart, Lung, and Blood Institute
6701 Rockledge Drive MSC 7902
Room 6132
BETHESDA MD 20892-7902

LATE PROPOSALS AND REVISIONS, HHSAR 352.215-70 is applicable to this solicitation.

SECTION L. GENERAL INSTRUCTIONS has been revised by the replacement of boiler plate language with the following:

Uniform Resource Locators (URLs) in Contract Proposals

All proposals must be self-contained within the specific page limitations cited elsewhere in this solicitation. Unless otherwise specified, URLs/Internet addresses shall not be used to provide information necessary to the review because reviewers are under no obligation to review the Internet sites.

Page and Formatting Limitations

The Technical Plan (objectives, approach, methods and procedures, and schedule) of the Technical Proposal shall not exceed 50 single-sided pages or 25 double-sided pages. This page limitation does not apply to the cover sheet, abstract, table of contents, personnel, facilities, equipment and resources, other considerations, other support, cost information, and literature cited. Appendices shall be limited to 100 single-sided pages or 50 double-sided pages. Pages in excess of this will be deleted and will be neither read nor evaluated. Each page of the Technical Proposal must be numbered sequentially. Offerors are encouraged to limit the overall size of the Technical Proposal, inclusive of appendices, attachments, etc. Note that although no page limit has been placed on the Business Proposal, offerors are encouraged to limit its content to only those documents necessary to provide adequate support for the proposed costs.

Type density and size must be 10 to 12 points. If constant spacing is used, 15 cpi (characters per inch) or fewer shall be used, whereas proportional spacing should provide an average of no more than 15 cpi. There must be no more than six lines of text within a vertical inch. Margins must be set to 1 inch around.

AVAILABILITY OF THE "FEDERAL ADP AND TELECOMMUNICATIONS STANDARDS INDEX" is applicable to this solicitation.

II. General Instructions

Introduction is applicable to this solicitation.

Potential Award Without Discussions is applicable to this solicitation.

Use of the Metric System of Measurement is applicable to this solicitation.

Standards for Privacy of Individually Identifiable Health Information is applicable to this solicitation.

Obtaining and Disseminating Biomedical Research Resources is applicable to this solicitation.

Sharing Research Data is applicable to this solicitation.

Privacy Act - Treatment of Proposal Information is applicable to this solicitation.

Note: References to the National Cancer Institute (NCI) should be changed to National Institute of Dental and Craniofacial Research (NIDCR).

HUBZone Small Business Concerns is applicable to this solicitation.

Reimbursement of Costs for Independent Research and Development Projects (Commercial Organizations Only) is applicable to this solicitation.

Salary Rate Limitation in Fiscal Year 2003 is applicable to this solicitation.

Institutional Responsibility Regarding Conflicting Interests of Investigators is applicable to this solicitation.

Solicitation Provisions Incorporated by Reference: The following provisions are applicable to this solicitation.

Submission of Offers in the English Language, FAR Clause 52.214-34, (April 1991).

Submission of Offers in U.S. Currency, FAR Clause 52.214-35, (April 1991).

Facsimile Proposals, FAR Clause 52.215-5, (October 1997).

Facilities Capital Cost of Money, FAR Clause 52.215-16, (October 1997).

Order of Precedence-Uniform Contract Format, FAR Clause 52.215-8, (October 1997).

Preaward On-Site Equal Opportunity Compliance Evaluation, (Over \$10,000,000), FAR Clause 52.222-24, (February 1999).

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction, FAR 52.222023, (February 1999).

Preparation of Proposals-Construction, FAR Clause 52.236-28, (October 1997).

III. Technical Proposal Instructions

Technical Proposal Instructions is applicable to this solicitation.

Project Objectives, NIH-1688-1 is applicable to this solicitation.

Statement of Work is applicable to this solicitation.

Human Subjects is applicable to this solicitation. The 6 paragraphs [(5) through (10)] shall be addressed in a SEPARATE SECTION of the Technical Proposal entitled, "HUMAN SUBJECTS."

Information Technology Systems Security, is applicable to this solicitation and the following information is provided to supplement this item to assist in proposal preparation.

(a) **Sensitivity and Security Level Designations.**

The Statement of Work (SOW) requires the successful offeror to develop or access a Federal Automated Information System (AIS). Based upon the security guidelines contained in the *Department of Health and Human Services (DHHS) Automated Information Systems Security Program (AISSP) Handbook*, the Government has determined that the following apply:

(1) Category of Safeguarded Information

The safeguarded agency information that the successful offeror will develop or access is categorized as:

- ☐ Non Sensitive Information
- ☒ Sensitive Information
- ☐ Classified Information:
 - ☐ Confidential ☐ Secret ☐ Top Secret ☐ Special Access

(2) Security Level Designations

The information that the successful offeror will develop or access is designated as follows:

- Level 3** applies to the sensitivity of the data.
- Level 2** applies to the operational criticality of the data.

The overall Security Level designation for this requirement is **Level 3**.

(3) Position Sensitivity Designations

Prior to award, the Government will determine the position sensitivity designation for each contractor employee that the successful offeror proposes to work under the contract. For proposal preparation purposes, the following designations apply:

- ☐ **Level 6C: Sensitive - High Risk (Requires Suitability Determination with a BI).**
Contractor employees assigned to a Level 6C position are subject to a Background Investigation (BI).
- ☒ **Level 5C: Sensitive - Moderate Risk (Requires Suitability Determination with NACIC).**
Contractor employees assigned to a Level 5C position with no previous investigation and approval shall undergo a National Agency Check and Inquiry Investigation plus a Credit Check (NACIC), or possibly a Limited Background Investigation (LBI).
- ☐ **Level 4C: Classified (Requires Special Access Clearance with an SSBI).**
Contractor employees assigned to a Level 4C position are subject to a Single Scope Background Investigation (SSBI).
- ☐ **Level 3C: Classified (Requires Top Secret Clearance with an SSBI).**
Contractor employees assigned to a Level 3C position are subject to a Single Scope Background Investigation (SSBI).
- ☐ **Level 2C: Classified (Requires Confidential or Secret Clearance with an LBI).**
Contractor employees assigned to a Level 2C position shall undergo a Limited Background Investigation (LBI).
- ☐ **Level 1C: Non Sensitive (Requires Suitability Determination with an NACI).**
Contractor employees assigned to a Level 1C position are subject to a National Agency Check and Inquiry Investigation (NACI).

Contractor employees who have met investigative requirements within the past five years may only require an updated or upgraded investigation.

(b) **Information Technology (IT) System Security Program**

The offeror's proposal must:

- (1) Include a detailed outline (commensurate with the size and complexity of the requirements of the SOW) of its present and proposed IT systems security program;

- (2) Demonstrate that it complies with the AISSP security requirements, the Computer Security Act of 1987; Office of Management and Budget (OMB) Circular A-130, Appendix III, "Security of Federal Automated Information Systems;" and the DHHS AISSP Handbook.

At a minimum, the offeror's proposed information technology systems security program must address the minimum requirements of a **Security Level 3** identified in the DHHS AISSP Handbook, [Exhibit III-A, Matrix of Minimum Security Safeguards](#).

- (3) Include an acknowledgment of its understanding of the security requirements.
- (4) Provide similar information for any proposed subcontractor developing or accessing an AIS.

(c) **Required Training for IT Systems Security**

DHHS policy requires that contractors receive security training commensurate with their responsibilities for performing work under the terms and conditions of their contractual agreements.

The successful offeror will be responsible for assuring that each contractor employee has completed the following NIH Computer Security Awareness Training course prior to performing any contract work: <http://irtsectraining.nih.gov/>. The contractor will be required to maintain a listing of all individuals who have completed this training and submit this listing to the Government.

Additional security training requirements commensurate with the position may be required as defined in OMB Circular A-130 or NIST Special Publication 800-16, "Information Technology Security Training Requirements." These documents provide information about IT security training that may be useful to potential offerors..

(d) **Prospective Offeror Non-Disclosure Agreement**

The Government has determined that prospective offerors will require access to sensitive information described below in order to prepare an offer.

Any individual having access to this information must possess a valid and current suitability determination at the following level:

- ☐ **Level 6C: Sensitive - High Risk**
- ☒ **Level 5C: Sensitive - Moderate Risk**

To be considered for access to this sensitive information, a prospective offeror must:

- (1) Submit a written request to the Contracting Officer identified in the solicitation;
- (2) Complete and submit the "Prospective Offeror Non-Disclosure Agreement" provided as an attachment in Section J of this solicitation; and
- (3) Receive written approval from the Contracting Officer.

Prospective offerors are required to process their requests for access, receive Government approval, and then access the sensitive information within the period of time provided in the solicitation for the preparation of offers.

Nothing in this provision shall be construed, in any manner, by a prospective offeror as an extension to the stated date, time, and location in the solicitation for the submission of offers.

(e) **References**

The following documents are electronically accessible:

- (1) OMB Circular A-130, Appendix III: <http://csrc.ncsl.nist.gov/secplcy/a130app3.txt>
- (2) DHHS AISSP Handbook: <http://irm.cit.nih.gov/policy/aissp.html>
- (3) DHHS Personnel Security/Suitability Handbook: <http://www.hhs.gov/ohr/manual/pssh.pdf>
- (4) NIH Applications/Systems Security Template: <http://cit.nih.gov/security/secplantemp.html>
- (5) NIST Special Publication 800-16, "Information Technology Security Training Requirements:" <http://csrc.nist.gov/publications/nistpubs/800-16/800-16.pdf>
- (6) NIH CIT-Policies, Guidelines and Regulations:
Table 1 - Categories of Safeguarded Agency Information:

<http://irm.cit.nih.gov/security/table1.htm>

Table 2 - Security Level Designations for Agency Information:

<http://irm.cit.nih.gov/security/table2.htm>

Table 3 - Positions Sensitivity Designations for Individuals Accessing Agency

Information:

<http://irm.cit.nih.gov/security/table3.htm>

No additional or supplemental Technical Proposal Instructions are applicable to this solicitation. See III. TECHNICAL PROPOSAL INSTRUCTION of SECTION L at <http://rcb.cancer.gov/rcb-internet/wkf/sectionl.pdf> for Technical Proposal Instructions.

IV. Business Proposal Instructions

Business Proposal Instructions is applicable to this solicitation.

Proposal Cover Sheet is applicable to this solicitation.

Cost and Pricing Data is applicable to this solicitation.

Subparagraph 3. Formats for Submission of Line Item Summaries:

- [] The format specified in SECTION L at <http://rcb.cancer.gov/rcb-internet/wkf/sectionl.pdf> is applicable to this solicitation.
- [] The following format shall be used in lieu of the one specified in SECTION L at <http://rcb.cancer.gov/rcb-internet/wkf/sectionl.pdf> :*

*It is noted that the format specified above is also applicable to Alternate I, of FAR Clause 52.215-20, Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data.

Requirements for Cost or Pricing Data or Information Other than Cost and Pricing Data, FAR Clause 52.215-20, is applicable to this solicitation.

Qualifications of the Offeror is applicable to this solicitation. However, the following sentence [the last sentence in (8) Qualifications of Offerors] is deleted:

"Experience and past performance are factors which are relevant to the ability of the offerors to perform and are considered in the source selection process."

Facilities Capital Cost of Money, FAR 52.215-16, (June 2003) is applicable to this solicitation.

Incremental Funding is applicable to this solicitation.

Subcontractors is applicable to this solicitation.